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MAINTENANCE OF INTERNATIONAL SECURITY
COMPREHENSIVE REVIEW OF THE WHOLE
QUESTION OF PEACE-KEEPING OPERATIONS
IN ALL THEIR ASPECTS

SECURITY COUNCIL
Fiftieth year

Letter dated 12 April 1995 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

At the request of my Government, I have the honour to transmit herewith the text of a memorandum of the Ministry of Foreign Affairs of Ukraine on the question of implementation by the United Nations of activities for the maintenance of international peace and security (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under items 81 and 86 of the preliminary list, and of the Security Council.

(Signed) Anatoli M. ZLENKO
Ambassador
Permanent Representative of Ukraine
to the United Nations

* A/50/50.

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Annex

[Original: Russian]

Memorandum of the Ministry of Foreign Affairs of Ukraine on the question of the implementation by the United Nations of activities for the maintenance of international peace and security

1. Ukraine, as one of the founding Members of the United Nations, fully supports the activities undertaken by the United Nations, in accordance with the Charter of the United Nations, for the maintenance of international peace and security and pays great attention to the enhancement of the arrangements and means for deterring potential aggressors and to the procedures for ensuring a rapid and effective response to acts of aggression or violence and threats to international peace and security and for the settlement of regional conflicts.

2. Ukraine considers the peace-keeping operations carried out under the auspices of the United Nations to be one of the key elements of the Organization's peacemaking activities, supplementing the process for the pacific settlement of disputes under Chapter VI of the Charter of the United Nations.

3. Ukraine believes that the activities of the United Nations with regard to crisis and conflict prevention and resolution will continue to be carried out on the basis of the resolutions of the Security Council, in strict compliance with the existing criteria (impartiality, non-intrusive and non-interventionist character, a clearly defined mandate based on the agreement, where possible, of all the parties concerned, and carried out, in principle, at the request of Member States). In "regional approaches" to peace-keeping operations, United Nations activities must be based on the provisions of Chapter VIII of the Charter and must comply strictly with the principle whereby no State may arrogate to itself the right to claim to be the "main guarantor" of peace and security in the region.

4. The globalization of United Nations activities for the maintenance of international peace and security which has been observed in recent years, the multifunctional character of current peace-keeping operations and the participation of United Nations forces in the settlement of internal conflicts make it necessary for the international community to adopt new approaches to the planning, structure and control of such activities.

The implementation of the new generation of peace-keeping operations, the separate components of which are developed and institutionalized in the mandate even after the operation has been launched, not only opens up certain prospects, but also contains within it a number of obvious problems.

The most complex of these problems is how to keep the development of operations within the rigid framework of the non-use of force by peacemaking contingents against the parties to a conflict, except when it is essential for self-defence.

It is for this reason that Ukraine fully shares the point of view of those Member States which consider that the approaches of the United Nations and the Secretary-General to traditional peace-keeping operations and to operations which bring into play the provisions of Chapter VII of the Charter, in other words coercive measures, must be fundamentally different. Attempts to modify the legal basis of operations (as occurred, for instance, in Somalia) are most likely to lead to the disruption of the entire operation, since they give rise to an obvious disparity between the new functions and the goals previously agreed upon.

In this connection, Ukraine believes that, in cases where it is necessary to change the legal basis of an operation in the context of the Charter of the United Nations, it is essential not only to change the mandate of that peace-keeping operation but also to modify the entire operation (its structure, resource base, plan of deployment and evacuation), in other words to launch a new operation.

5. In these conditions, the role of the troop-contributing countries is growing significantly. Timely consultations between them help to avoid misunderstandings in relations between the commanders of national contingents and the commanders of sectors and the headquarters of the operation, and prevent any negative political consequences which might arise as a result of the emergence of new functions.

In this connection, Ukraine believes that the cooperation of countries which might potentially contribute troops to take part in a proposed peace-keeping operation should be enlisted even during the preparatory phase of the operation.

6. The practice of deploying peace-keeping operations in various regions demonstrates the need for careful study of the question of the criteria for the representation of national contingents in peace-keeping operations. Ukraine believes that these criteria should take into account, inter alia, historical, political and ethno-geographical factors and the possible reaction of the local population and of the political forces in conflict to the use of the troops of any given country in an operation in the territory of their State.

7. To date there is no comprehensive permanent system of peace-keeping operations, only a continuing series of ad hoc operations.

In this connection, Ukraine supports proposals that consideration should be given to generally acceptable ways and means of elaborating a declaration on United Nations peace-keeping operations, which would cover the basic organizational and practical aspects and would contain recommendations concerning ways of enhancing the effectiveness of such operations.

To this end, in particular, it would be advisable to study the question of establishing an expert group, under the Special Committee on Peace-keeping Operations, with the participation of leading experts in the field of peace-keeping, representatives of the main troop-contributing countries and of other interested Member States, to make use of the positive experience which has been

gained in this field by the Ad Hoc Group on Peace-keeping of the North Atlantic Cooperation Council.

8. The problem of enhancing the operational efficiency and the effectiveness of the management of peace-keeping operations by the United Nations is an important one. In this connection, Ukraine welcomes the measures taken to streamline the structure of the Department of Peace-keeping Operations and believes that the strengthening of the staff of the Department will enhance the capacity of the Organization in matters relating to the planning, command and management of peace-keeping operations.

At the same time, many practical problems relating to the command and management of peace-keeping operations could be resolved through the revitalization of the provisions of the Charter of the United Nations, in the first place, of Article 47 of the Charter, which defines the role and functions of the Military Staff Committee. According to paragraph 4 of that Article, "the Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees".

Ukraine believes it would be expedient to consider the question of the expansion of that practice, and to study the possibility of including in those regional subcommittees representatives of the troop-contributing countries participating in a peace-keeping mission deployed in that region.

9. One of the main aspects of a special nature continues to be the problem of the safety and security of peace-keeping personnel. Ukraine was one of the initiators of the drafting of the Convention on the Safety of United Nations and Associated Personnel, which dealt with questions relating to the status and safety of peace-keeping personnel.

Ukraine believes that the security of personnel must be an integral part of the planning of any peace-keeping operation and that all appropriate measures should be taken by the United Nations and Member States to ensure their security.

10. The continuing use of snipers by the parties to a conflict against the personnel of United Nations peace-keeping forces is a matter of serious concern. It is essential to give urgent consideration to the question of the legal and moral responsibility of the parties to a conflict for the use of snipers against United Nations peacemakers.

We believe that the actions of snipers of the parties to a conflict against United Nations personnel could serve as a legitimate basis for the use of force by United Nations peace-keeping contingents in response.

11. The question of compensation for military personnel who have been disabled and for members of the families of military personnel who have died while serving in United Nations peace-keeping forces is also important.

The inadequacy of current United Nations arrangements for the payment of compensation to the families of peace-keeping personnel who have been killed or

wounded requires attention. So far, no unified scale has been formulated for the payment of compensation by the United Nations Secretariat. Reports on the death of peace-keeping personnel (Board of Inquiry reports), without which the United Nations Secretariat does not compensate Governments for the sums paid to the families of peace-keepers who have been killed or to those who have been wounded, are sent by the commander from the site of the peace-keeping operation to the Headquarters in New York only with considerable delay.

12. The problem of the training of qualified personnel for peace-keeping operations requires further study.

Ukraine welcomes the efforts made by the Secretary-General to develop a training manual, including a curriculum module and a programme of correspondence instruction, which would enable troop-contributing countries to train peace-keeping personnel in a unified and cost-effective manner, in accordance with agreed standards and needs.

Ukraine also supports the idea of training national instructors for subsequent use in the training of peace-keeping personnel, in addition to national peace-keeping training programmes, and in the implementation of measures to strengthen leadership cadres for peace-keeping operations.

We believe it is important to establish centres for the training of peace-keeping personnel on both a national and a regional basis.

With a view to enhancing the effectiveness of the coordination of the training of peace-keeping staff, it is essential that a personnel training coordinator in the Department of Peace-keeping Operations should serve as a focal point for coordination between the United Nations and national and international peace-keeping training centres.

13. The effectiveness of the strengthening of United Nations peace-keeping potential depends to a significant extent on the existence of adequate financial resources for the carrying out of peace-keeping operations. Ukraine fully agrees that the financing of peace-keeping operations is the collective obligation of all Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations.

At the same time, we believe that the assessment of contributions to peace-keeping operations should be fairer and take into account the real capacity to pay of specific Member States, and should be more balanced, having greater regard for the needs of the civilian and humanitarian, as well as the political and military, goals of peace-keeping operations. Further study is needed of the question of alternative sources of financing for peace-keeping operations which would be acceptable to the Secretary-General of the United Nations.

14. In this analysis of the nature and evolution of current peace-keeping operations, the foregoing observations are not exhaustive. The delegation of Ukraine intends to take an active part in the drafting by the Special Committee of recommendations on the theory and practice of peace-keeping activities with a view to enhancing their political, military, moral, humanitarian and material effectiveness.